

STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, PLOT NO. 2, SECTOR-17, PANCHKULA

Order

The 2nd December, 2010

No. SEC/4E-II/2010/7995.—Whereas, the State Election Commission, Haryana has decided to amend /update it's earlier order i.e. "THE HARYANA PANCHAYATI RAJ VOTING AND COUNTING OF VOTES BY ELECTRONIC VOTING MACHINES (EVMs) ORDER, 2008" issued *vide* No. SEC/4E-III/2008/5333, dated 3rd June, 2008.

1. These orders may be called THE HARYANA PANCHAYATI RAJ VOTING AND COUNTING OF VOTES BY ELECTRONIC VOTING MACHINES (EVMs) (AMENDMENT) ORDER, 2010.

2. In THE HARYANA PANCHAYATI RAJ VOTING AND COUNTING OF VOTES BY ELECTRONIC VOTING MACHINES (EVMs) ORDER, 2008 (hereinafter called the said order) the clause (i) of sub-paragraph (1) of paragraph No. 2 shall be substituted, namely:—

"EVM means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in the Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election".

3. In the said order, after paragraph No. 22 the following paragraph shall be inserted; namely:—

"22-A. Retention of EVMs:—(1) Every voting machine (EVM) used in an elections and kept in the custody of the Deputy Commissioner-cum-District Election Officer (Panchayat) shall normally continue to be kept in such custody for a period of three months from the date of declaration of the result of the election.

(2) In the case of an election, where no election petition has been filed and no other court case is pending, after the expiry of the said period of three months, the data in the EVM should be washed out, the machines may returned to State Election Commission/Chief Electoral Officer concerned from where EVMs have been taken on.

(3) In the case of an election, where an election petition has been filed, the voting machine used at all polling stations in the ward concerned shall continue to be kept in the safe custody of the Deputy Commissioner-cum-District Election Officer (Panchayat), till such time the election petition is finally disposed of by the courts.

(4) If any other court case is pending, like booth capturing, etc., in which any EVM is involved, the EVM concerned or the EVM(s) used at such polling station(s) concerned may also be kept till the final disposal of the said case.

(5) After the final disposal of the election petitions or, as the case may be, other court case referred to clauses (3) and (4) above, the voting machines can be returned to State Election Commission/Chief Electoral Officer concerned.

(6) Notwithstanding anything contained in sub-paragraph (1) and (2) above, if the machines used at an election in respect of which no election petition has been filed, are needed to be returned to State Election Commission/Chief Electoral Officer concerned for use in any subsequent election before the expiry of the period of three months referred to therein, the State Election Commission, Haryana may by special directions permit to return the same.

(7) The batteries, which have been used in the voting machines in an election, shall not, repeat shall not, be used in any subsequent elections. The used batteries can, however, be used for the purpose of giving training on the functioning of voting machine. A proper account of all such batteries shall be maintained by Deputy Commissioner-cum-District Election Officer (Panchayat).

Panchkula
The 1st December, 2010

State Election Commissioner, Haryana.